

A regular meeting of the Board of Selectmen was held on September 13, 2007, at 6:30 p.m. in the Francis O'Brien Meeting Room, Town Office Building, 26 Bryant Street, Dedham, Massachusetts. Present were:

Carmen DelloIacono
James A. MacDonald
Marie-Louise Kehoe
Dennis J. Teehan
Michael L. Butler

Mr. DelloIacono called the meeting to order at 6:30 p.m.

DAR PROCLAMATION

Representing the DAR was Janet Ford. The Board of Selectmen presented the DAR a proclamation recognizing 220 years of service.

PROCLAMATION SGT. BRIAN HIGGINS

The Board of Selectmen presented a proclamation to Sgt. Brian Higgins, U.S. Army Reserves, 1060th Transportation Company, recognizing his of service to our country in Iraq. Brian is also a Lieutenant on the Cambridge Fire Department. Sgt. Higgins resides at 249 Greenlodge Street and has returned home after serving fifteen months in Iraq. Sgt. Higgins thanked the Board and the citizens of Dedham for the presentation and good wishes.

DEDHAM CITIZENS OPEN DISCUSSION

Sam Celeta, 42 Stoughton Road, made a request to speak before the Board. Mr. DelloIacono granted permission. Mr. Celata had an issue with the Endicott Branch Library closing on Saturdays. Mr. Celata informed the Board that the Library Trustees voted to close the Endicott Library on Saturdays and requested the Board's assistance to reopen the facility on Saturdays. Mr. DelloIacono informed Mr. Celata that this issue was not under the Board of Selectmen's jurisdiction and instructed him to contact the Library Trustees and request that they reopen the Endicott Library of Saturdays. Additionally, Mr. DelloIacono informed Mr. Celata that the Board could send a letter to the Library Trustees and asked them why it was necessary to close this facility on Saturdays.

Mr. MacDonald suggested that the Board take Mr. Celata's written request and forward it to the Library Trustees, noting that Mr. Celata came before the Board tonight and asking them to respond to his concern and request to reopen. Mr. MacDonald assured Mr. Celata that he would forward the request and get back with him with a response.

Charlie McGowan, 403 Highland Street, asked to speak before the Board. Mr. DelloIacono granted permission to speak. Mr. McGowan had concerns relative to the serious road conditions on Highland Street and the lack of sidewalks. (There were other residents waiting to speak on another road matter, Mr. McGowan knew their conversation would be lengthy and, therefore, asked Mrs. Baker, Asst. Town Administrator, to schedule him for a discussion relative to Highland Street at the next Selectmen's Meeting.

Bob DeShiro, 246 East Street, asked for permission to speak. Mr. DelloIacono granted permission. Mr. DeShiro informed the Board that the residents who live on the portion of East Street (behind Washington Street), have a very bad problem with Commercial Vehicles driving on the street. He acknowledged that the street has been recently reconstructed and now, the street is much narrower. He commented that there is a sidewalk on one side and not on the other side. Additionally, if a vehicle is parked on one side of the street, a pedestrian would have to walk into the street from his particular side. Mr. DeShiro informed the Board that presently, the issue is Commercial Vehicles that are using the street, which is a thickly-settled district. Mr. DeShiro stated that the biggest offender is the Halfway Café-Bud, Burke, Horizon, A Gear, U.S. Food, United Liquor all using East Street to make deliveries to the restaurant. Mr. DeShiro approached the bartenders at the establishment in an effort to try and settle this issue prior to the Board's meeting. Mr. DeShiro informed the bartenders that the trucks were not only going up East Street but they were turning around and coming back down East Street. Mr. DeShiro informed the Board that he believed it was possible that someone would get hurt. Mr. DeShiro also spoke to the Restaurant Managers. They asked him to give them a few weeks to correct the problem. Mr. DeShiro asked that the problem be resolved before a few weeks. He reminded the managers that the restaurant is in a thickly-settled area and the address of the establishment is 174 Washington Street not East Street. Furthermore, East Street is not the Halfway's delivery address. The managers informed him that according to the Police Department, the Halfway cannot not receive deliveries on Washington Street. When he spoke with the Police Department, Mr. DeShiro was informed that the Police Chief notified the managers that trucks could not park on Washington Street for deliveries if the vehicles block traffic on the street. Mr. DeShiro mentioned that the Auld Sod Pub receives deliveries from Washington Street and asked if the Halfway Café could put a sign in front of their establishment stating, No Parking 8:00 –11:30 a.m. He believed this action would resolve the delivery problems on East Street. Mr. DelloIacono suggested that the delivery times for the establishment be set up with designated times in which deliveries can be made to the restaurant. Mr. DeShiro commented that the delivery times are unpredictable. Mr. DeShiro stated that this is not a convenience matter but, in fact, a safety issue—He was very concerned that a pedestrian would get hurt. Another issue of Mr. DeShiro was the fact that he did not have sidewalks but a 9 ½ foot grass area. Mr. DelloIacono asked that he separates the two issues. He stated that follow up is needed for the first issue—Halfway deliveries. Mr. Keegan informed him that the process has started to address the deliveries. Mrs. Kehoe informed all that the Halfway issue was brought to her attention by Mr. DeShiro's Son-in-Law and she called Sgt. Buckley, Liquor Enforcement Officer, who agreed that he was going to visit Washington Street and speak with the various establishments relative to the deliveries issues. Mrs. Kehoe was informed by Sgt. Buckley that he would need a few weeks to get everyone in order—She commented that she was just the messenger. Mr. DeShiro stated that he visited the Halfway Café at least four times within the month-- the manager also asked him to give them a few weeks. Mrs. Kehoe commented that she was hoping Sgt. Buckley would get a handle on this matter and it will be resolved. Mrs. Kehoe stated that she thought it was important people know that the Board has started to work on this issue. She commented that she did her best and had faith in Sgt. Buckley.

Mr. Teehan suggested that if the Halfway Café does not comply, the Board set aside some time at the next Board's Meeting and ask the Halfway owner/managers to come in and discuss why deliveries are made on East Street rather than Washington Street. Mr. Teehan thought this was a reasonable request of the establishment. Mr. Teehan asked the neighbors to give them a chance to resolve these matters though the Liquor Enforcement Officer. If the Halfway does not comply with Sgt. Buckley's suggestions, he was sure the

word would get back to them and would be asked to a Selectmen's Meeting to explain their actions. Mr. Teehan thought this was not an issue that would be hard to fix.

Chris Londergan, 250 East Street asked to speak. Permission was granted by the Chairman. Relative to the sidewalks, etc., Mr. Kimball stated that Mr. Keegan informed him before the meeting that the Director of Engineering DPW Director and himself would sit down with the neighbors.

Mr. DelloIacono interrupted the conversation. He informed the neighbors that at the last meeting the Board of Selectmen stated that they would meet with neighbors and Town Staff. Additionally, they asked the neighbors to get back to him with a date. Mrs. Baker informed the Board that they received a memorandum this evening from Mr. Field, Engineering Director, relative to the information that the Board requested. Additionally she was going to work with the Board this evening to follow through and set up a meeting with East Street residents.

Mr. Kimball, East Street, commented to the Board that the problem is not just the trucks delivering to the Halfway but, also, vehicles/trucks taking a left up East Street from the Pettruziello Building. Mr. Kimball stated that he spoke with the manager of Gilbert's and he has informed patrons/vendors that they should not take a left on to East Street. Mr. Kimball stated that the sign is posted, the manager does the best he can to inform patrons of the restriction. Mr. Kimball asked if there could be some enforcement at that site. He asked if the signs legal (No Left Turn). Mr. Teehan commented that he was not sure. Mr. DelloIacono suggested that when they have the meeting with the neighbors that all the concerns will come out, and, hopefully, the Board will try to resolve the problems. Mr. Kimball asked the Board if there could be a legal Truck Ban on East Street, through the State. He stated that the issue would not be truck volume but more the fact that the street is located in a very thickly-settled neighborhood.

Mr. MacDonald commented to the East Street residents that items like these should be briefly brought up at the Board's open discussion; however, in fairness to the entire neighborhood, it needed a separate meeting, similar to what the Board had in the past with issues in other sections of Town. Mr. MacDonald informed all that it is his understanding that the Board did file an article with Town Meeting for a Truck Ban on Lower East Street, and it was rejected. Mr. Kimball asked who rejected it. Mr. MacDonald and other Selectmen responded, the State. At the conclusion of the discussion, Mr. Kimball informed the Board that there were issues raised at a recent ZBA Meeting that need to be discussed in more detail at the Neighborhood Meeting. Mr. Kimball asked Mr. Keegan if he could set aside some time to meet with him at his office. Mr. Keegan replied, that's fine.

Chris Londergan, 250 East Street, asked permission to speak. Mr. Londergan expressed his concerns with a recent speed/truck count conducted by the Norfolk County Engineers. Mrs. Baker, Asst. Town Administrator, informed all that the Norfolk County Engineering Department provided counts to the Town, i.e., types, speed and volume. Relative to Mr. Kimball's request for a Truck Ban, Mrs. Baker clarified that what constitutes a request to the Legislature, when a Town does not meet Mass Highway's criteria, based on speed, type and volume, the only other way to accomplish a Truck Ban is through Legislation. Mrs. Baker informed Mr. Kimball that the Town was rejected both ways.

Mr. Londergan commented that he once had a sidewalk in front of his office. Additionally, he has a handicapped spot designated for him in front of his house. Mr. Londergan stated that he looked at the plans before the street was completed and he also E-Mailed Mr. Flanagan, DPW Director, and asked him if he would receive a cut out, due to the fact that he was a handicapped person. Mr. Londergan stated that he was told, no, that there would be plenty of room on each side of the street for someone to park, plus room to go down each side in the middle. Mr. Londergan informed the Board that at the bottom of the street near his residence, the traffic bottle necks. In fact, his wife's vehicle was struck this past Friday. He stated that it just proves that the situation is a safety issue already. Relative to the sidewalks, he stated that there were no sidewalks on his side of the street and their letter carrier has to walk in the middle of the street. Mr. Londergan was concerned with the foot traffic during the winter months as it relates to the width of the street. With snow/ice the street will have a smaller passage way and East Street will become a one-way. Mr. DelloIacono commented that the Board will clear this up at the meeting with the neighbors.

Mr. Londergan stated that he was baffled to see cut outs at the top of the hill on East Street, next to the cemetery. He commented that if a person needs to park at the cemetery, there is plenty of places inside on the cemetery roads or out on the street. Mr. Londergan was quite upset that the cutouts were placed in this area where there is no resident need; and the fact that there were no accommodations made for cut outs requested by two East Street residents who are handicapped and need consideration. Mr. DelloIacono responded, fair enough, Mr. Londergan.

Domenic DiVirgilio, Town Meeting Representative District 6, Brookdale Avenue, asked to speak. Mr. DelloIacono granted permission. Mr. DiVirgilio stated that the residents of East Street have called him on numerous occasions and he has spoken to Mrs. Kehoe, Mr. Keegan and Mr. Bulter relative to the concerns. Mr. DiVirgilio informed the Board that the traffic on that particular section of East Street is horrendous and is a cut through street. He commented that the worse thing the Engineering did was narrow the street—he was upset and did not know why Engineering did this. He asked the Board to take a ride down East Street between the hours of 4:00 p.m. and 8:00 p.m. when all the residents are home and parked on the street on both sides to see what happens to the traffic. Mr. DiVirgilio stated that a driver needs to stop now and wait whereas before you did not have to stop. Mr. DiVirgilio thought the street design was dumb and. He was concerned relative to snow removal and the continued narrowing of the street. Mr. DiVirgilio inquired relative to the houses taken down by the Halfway Café and the created Parking Lot. He informed the Board that no one has done a thing about this concern. Mr. DiVirgilio's understanding was that this situation is illegal. Mr. DiVirgilio stated that everyone is ignoring these residents. He has spoken with many people, and nothing has been done. Mr. MacDonald was concerned with Mr. DiVirgilio's comment and asked him not to say that the Board of Selectmen is ignoring people. Mr. MacDonald informed Mr. DiVirgilio that the Board met with Mr. Kimball last week, the Board stated that they would have a meeting together with the neighborhood and the Board is following up. Mr. MacDonald did not think that the Board was ignoring people and wanted to do things the right way. Mr. Keegan responded that he did not think Mr. DiVirgilio was at the Public Meeting. Mr. DiVirgilio stated that he was out of Town the night of the meeting. Mr. Keegan commented that in terms of what was done at the Public Meeting, the Town Staff went over every one of the issues that has been discussed tonight in quite length. Mr. Keegan stated that everyone was afforded the opportunity to discuss the issues, everything relative to the design plan was discussed. Mr. Keegan responded that there was a very good reason why all those particular items were put in place. Mr. Keegan

stated for purposes of tonight's discussion, and in fairness to everyone who is on the agenda this evening, that we hold the East Street discussion so that the entire neighborhood can participate in the discussion. Additionally, he thought it was fair that the Town Engineer have the opportunity to speak and address the issues in a fully-detailed format so that the residents can receive the proper answers to their questions. Mr. Keegan commented that the neighborhood may not like the information the Town provides; however, it will be the correct information. Mr. DeShiro commented that Mr. Keegan should have given them the correct information from the beginning. Mr. DeShiro stated that Mr. Keegan told the residents that they would have a grass strip. Mr. DeShiro stated that 9 ½ feet is not a grass street ~~it~~ is frontage.

Mr. DelloIacono informed all that there will be a meeting with the neighborhood in the very near future to discuss all the concerns/issues. The day will be set, with Mrs. Baker's assistance. Additionally, if the meeting becomes too large for the Selectmen's Chambers, it will be scheduled in the Lower Conference Room of Town Hall or Italian American Club. Mr. DelloIacono informed all that the Board of Selectmen would like to work with the neighbors. He assured Mr. DiVirgilio that the Board will work this matter out and nothing is ever too late. Mr. DelloIacono asked Mrs. Baker to work with Mr. Kimball relative to a meeting date with the neighbors. Mr. Kimball asked how the neighbors would be notified. Mr. MacDonald responded ~~letters~~ to the house.

Charlie McGowan, Highland Street, asked once again if he could speak to the Board rather than come back next week. Mr. DelloIacono granted permission. Mr. McGowan stated that he was here this evening relative to sidewalk requests over the last several years for the oldest street in the Town of Dedham, Highland Street. He informed the Board that there are two sidewalks up by Court Street on either side of St. Paul's property; however, once you proceed down around the bend, there are no sidewalks. Mr. McGowan commented that the street has to deal with two schools—Ursuline Academy and Dedham Country Day School. Additionally, all of the traffic now comes off of Route 128 in the morning and it comes back in the afternoon by way of Highland Street. Mr. McGowan informed all that when Route 128 backs up, vehicles come up the ramp, go across Elm Street, right by his home on Highland Street, go up Bates Street or go up Court Street. At 4:00 p.m. in the afternoon, they start back the same way if Route 128 is backed up. Additionally, it is backed up every day. Traffic backs up from Dedham Country Day and Ursuline Academy all the way from his home at the corner of Washington and Highland Streets all the way around the bend by the Fitzhenry's home and down the hill ~~all~~ backed up. Mr. McGowan's concern was for the young ladies in the neighborhood pushing Baby Carriages. It is his understanding that letters have been sent to the Board from residents of Pacella Drive. These mothers are pushing the Baby Carriages with no sidewalks on a street with a distance of 10 ½ feet. Mr. McGowan commented relative to a homeowner who is building a very large addition to his home -- there are many trucks. Additionally, all day and night vendor trucks are delivering food products to the schools ~~every~~ day school is in session. Mr. McGowan informed all that the traffic flow is terrible. Mr. McGowan commented that approximately two weeks ago, a young lady with twins in the carriage was almost killed at the corner of Pacella Drive. Additionally, last week he was a witness to a young jogger being swiped by a vehicle ~~the~~ vehicle brushed the jogger's sweater which was tied around her waist. Mr. McGowan informed the Board that the young girl had to stop because she was very disturbed by the incident. The man driving the vehicle kept going and he did not care and was not bothered a bit. Mr. McGowan thought that more attention should be made relative to forethought and overall picture of the Town.

Mr. McGowan asked the Board to visit Highland Street and take a peak at what happens when the vehicles come off Route 128 and going into the schools before someone gets killed on Highland Street.

INTRODUCTION OF ECONOMIC DEVELOPMENT OFFICER KAREN O'CONNELL AND GIS ADMINISTRATOR MATTHEW MARINO

Bill Keegan, Town Administrator, with great pleasure introduced the two newest members of the Town Staff. Mr. Keegan first introduced Karen O'Connell, newly appointed Director of Economic Development for the Town. Mr. Keegan commented that she comes to the Town highly qualified. Ms. O'Connell worked most recently as the Director of the Hyde Park Main Streets Program. She was employed there for the past eight years. Ms. O'Connell is also a member of the Massachusetts Bar. Mr. Keegan informed the Board that the Hyde Park Main Streets Program is recognized nationally for its success and, therefore, he is very excited to have her as a member of the Town Staff.

Ms. O'Connell stated that she was very happy to have this new position. Ms. O'Connell feels that it is a very exciting time here in Dedham and that there is a lot of potential and opportunities. Ms. O'Connell informed the Board that during the course of her first week, she has met with some representatives from the Dedham Square Circle and Representative Paul McMurtry. Next week, she is speaking at the Dedham Rotary luncheon. She has a meeting with the Neponset Valley Chamber of Commerce President and is meeting with the Economic Development Committee set up through the Chamber. Ms. O'Connell commented that all these contacts and meetings are important when one first starts a position because it is essential to know who the stake holders are in Town and what they are thinking. She stated that she has a background in Economic Development; however, what was important to her was how she would adapt this expertise and what would work for Dedham. Ms. O'Connell stated that the best way to develop a plan and strategy is go out and introduce herself to the people who have already been working on these issues for a long time. Ms. O'Connell thanked Mr. Keegan and the Board of Selectmen. She stated that she is looking forward to working with everyone. The Board of Selectmen welcomed Ms. O'Connell to the Town of Dedham.

The next person Mr. Keegan introduced was Matt Marino, GIS Manager. Mr. Keegan informed the Board that Matt has recently come to the Town from the military ranks—serving in Afghanistan--doing GIS work. Mr. Keegan commented that Mr. Marino will be doing the same type of work as he did in the military—rebuilding the community. Additionally, Mr. Marino is highly qualified individual and he is very pleased to have him on the Town Staff. Mr. Keegan informed the Board that Matt has been working for approximately one month and has familiarized himself with a number of issues that the Town has been working on. In fact, he has been very helpful with some recent By-Law changes that the staff has been working on as well as identifying snow locations for a dump site. Mr. Keegan informed the Board that over the next few months, Mr. Marino will be familiarizing various departments and members of the community on how our GIS System operates.

Mr. Marino stated that he was very happy to be here in Dedham. He commented that this was his first civilian position. Mr. Marino informed the Board that he has just got off active duty. He was a Captain in the Army Corps of Engineers. His tour was in Afghanistan. Mr. Marino informed all that presently he is doing assessing, getting to know the space and infrastructure—electronic mapping, etc. Mr. Marino stated that presently the system is very well integrated—Assessors, Engineering. He will branch out as

things go along. Mr. Marino informed all that the structure the Town has is very good; however, it can be a lot better. He commented that more work could be done in house, getting away from the contractors and, thus, saving the Town a lot of money. The Board of Selectmen welcomed Mr. Marino to the Town of Dedham.

CHANGE OF MANAGER DEDHAM COUNTRY AND POLO CLUB, 124 COUNTRY CLUB ROAD, KEVIN HANRAHAN, MGR.

Representing Dedham Country and Polo was Kevin Hanrahan, General Manager

Mr. Hanrahan stated that he appreciated the questions the Board asked him at the last meeting and he apologized for not being prepared at the first meeting. He commented that he is usually very prepared for meetings. Mr. DelloIacono asked if he was ready this evening. Mr. Hanrahan replied, absolutely.

Mr. Hanrahan informed the Board that he has completed TIPS Training and he also trained everyone in the Club that was not TIPS Certified already. Their training was at the Quality Beverage Plant in Taunton last Monday night. Presently, there are seventeen TIPS Certified employees at the Club. Mr. MacDonald asked if he has read the regulations. Mr. Hanrahan stated that he has read the Rules and Regulations for Holders of Alcoholic Beverages in Dedham.

Mr. Teehan appreciated Mr. Hanrahan's candor tonight. Mr. Teehan commented that for many years, the Dedham Country and Polo Club have supported the efforts of our schools and the Police Department by hosting the Annual DARE Golf Tournament, now Police Community Services Golf Tournament. Mr. Teehan informed all that a lot of money has been raised for programs for the children of Dedham through the Dedham Country and Polo Club.

Mr. Butler commented that at the last meeting, the Board made a suggestion that he meet with Sgt. Buckley, Alcohol Officer. Mr. Hanrahan replied that he has called Sgt. Buckley and left a message on his Voice Mail. He will back tomorrow when Sgt. Buckley is on duty. Mr. Butler asked him to follow-up. He informed Mr. Hanrahan that Sgt. Buckley has a wealth of experience and the Board encourages all the establishments that hold Liquor Licenses to take advantage of his expertise and to maintain a current relationship with him.

Mr. MacDonald made a motion to approve a change of manager at the Dedham Country and Polo Club to Kevin M. Hanrahan; seconded by Mrs. Kehoe. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

DISCUSSION WITH ATTORNEY DONALD HADGE RE; REQUEST FOR SEWER EASEMENT (GOBBI PROPERTY-EAST STREET AND WENTWORTH STREET)

Atty. Hadge stated that he has been working in the background with Norwood Engineering and David Field, Director of Engineering. He also has had communication with Kopelman and Paige, Town Counsel.

Atty. Hadge informed the Board that Mr. Gobbi is seeking an easement relative to two of his lots adjacent to East Street. One lot includes the homestead of his father who passed

away approximately ten years ago. Atty. Hadge informed the Board that Mr. Gobbi is seeking to get things finally rolling so that he can attach to the sewer line on Kennedy Drive. Atty. Hadge had a plan for the Board's review. Mr. DelloIacono asked if Kennedy Drive was existent. Atty. Hadge replied, no.

Mr. Keegan asked the Board if they wished to hear from Mr. Field. Mr. DelloIacono replied, yes, when Atty. Hadge is finished. Atty. Hadge commented that it appears on East Street that the road that comes up Wentworth does not go right to East Street. He believed that the easement location would be the right spot, before the street is finished. This easement would service the two front lots. Atty. Hadge's understanding is that the line on Kennedy Drive would have to come through Lot 40, which would significantly impact the use of that lot for a prospective owner. Atty. Hadge thought that for future maintenance, it would be much easier for access to the Sewer Line if the two lots were serviced from the easement area. Atty. Hadge commented that the request is a practical matter and both he and his client believe it makes a lot of sense. Mr. DelloIacono commented that it is about cost, too. Atty. Hadge replied, of course; however, he thought a big easement through the other lot did not make sense.

Before the Board continued with the discussion, Mr. MacDonald informed all that Town Counsel requested a few items. He asked Mrs. Baker, Asst. Town Administrator, if she had those items. Mrs. Baker informed the Board that Town Counsel and Atty. Hadge had worked through all of the issues. This afternoon, Town Counsel informed her that he is satisfied with the documents that will be presented to the Board for signature this evening. Atty. Hadge had copies of Town Counsel's communications for verification by the Board.

Mr. DelloIacono asked Mr. Field if he had reviewed this information. Mr. Field responded, yes; however, Engineering preferred that Mr. Gobbi reviews the line on Kennedy Drive. The line is in disrepair; and by right, he is allowed to do this with the caveat that he grants a Town Easement to put the Sewer Line in that is how they arrived at this configuration. Once again, Mr. Field stated that Engineering preferred the line go down Kennedy Drive; however, the Town can not make him. Mr. Field stated that the plan before them conforms to the Town's Sewer Regulations and, therefore, he is fine with it. Mr. DelloIacono was not pleased that they came before the Board in the eleventh hour and asked why Mr. Gobbi did not wait another two weeks and dig up a new road. Atty. Hadge apologized for the late request—he just got involved. Mr. DelloIacono responded that he understood Atty. Hadge's situation; however, he did not see anyone with him to take the hits. Mr. DelloIacono stated that the Town is ready to finish the project on East Street, the whole Town has been patient with the project and have given a lot of money—everyone, included surrounding Towns have been aware of the project. Mr. Field made one more statement. Mr. Field stated that approval would be contingent upon the Sewer Line going in before the road is paved. He informed the Board that this was discussed with Norwood Engineering before Atty. Hadge became involved in July. Mr. Field, once again informed the Board, that this was a condition--the work had to be completed before the road was paved. Mr. Field commented that if they were going to use an unlicensed drainlayer, they would need to be licensed by the Board—Mr. Gobbi's representatives have been well aware of this stipulation. Mr. Field wanted to make certain everyone understood that if the easement were approved this evening and if the road is paved and Mr. Gobbi's work was not completed, he would not have access because they would not be able to receive a Street Opening Permit. Atty. Hadge asked Mr. Field what the timeframe for permits as of this date. Mr. Field informed Atty. Hadge that Mr. Gobbi has not applied for any permits from the Engineering Department and he

did not know who he used for a drainlayer in the past. Additionally, Mr. Field wanted to make everyone aware of the time factor, especially Mr. Gobbi and Norwood Engineering.

Mr. Teehan asked a question relative to Lot 35 and Lot 36 of the Plan. He asked if it would have been better to come straight back with the line. It appeared to him that Lot 35 had become a very unusual lot size, like a pan handle as opposed to Lot 36. It seemed to him that Lot 36 should come straight back—he asked the reason for this design. Atty. Hadge responded that the original plan was approved in the 1970's for Mr. Gobbi, Sr. Atty. Hadge did not have any comments relative to the lot size. Atty. Hadge commented on the existing Sewer Line mentioned in Mr. Field's statement. He stated that it certainly has to be updated and it has been there for a very long time. Atty. Hadge informed the Board that he believes that the request before them is an attempt by his client to start improving the front of the street and giving it sewer; however, it may be a bit longer to come up the other way.

Mrs. Kehoe had a few comments. She informed the Board that this sub-division was approved thirty-five years ago, and it is always mentioned that tomorrow it is going to move forward. Mrs. Kehoe thought that Mr. Gobbi had run out of tomorrows and she feels there is a credibility issue. She is concerned about this matter and commented that Mr. Field explained the situation quite well. Atty. Hadge stated that he would relay her concerns to his client.

Mr. Butler asked what would be the latest date the Board of Selectmen could grant an easement if they wished to approve it in time for construction to take place before East Street was paved. Mr. Field responded that he did not have an exact paving schedule for East Street—the contractor is still installing the drainage; however, he believed it would be at least a few weeks. In Mr. Field's opinion, he felt the Selectmen could approve this easement. It just could not be utilized if Mr. Gobbi did not receive a Road Opening Permit to do the work that is required for a deeded section of Wentworth Street and East Street. Additionally, it would do no harm to have the Sewer Easement now; however, until Mr. Gobbi obtained a Road Opening Permit, they could not cut the road for approximately five years. Mr. Butler asked if Mr. Gobbi had a choice as to where to connect with the Town sewer. Is it either at the beginning of the Paper Road, Kennedy Drive, or through the easement that is being requested? Mr. Field informed Mr. Butler that the existing sub-division is connected to a sewer off of Wentworth Street, although that street will be re-surfaced as well and Mr. Gobbi will have the same issue if the final connection is not made. Mr. Field commented that the sewers were installed many years ago and it is BC Pipe, which went out of common use in the 1960's. Therefore, the pipe has been installed, it is in there, but it is disconnected because of serious issues with that pipe. In Mr. Field's opinion, he believed that Mr. Gobbi could upgrade the pipe within the sub-division and sewer his lots.

Mr. Butler had a comment just to echo some of his colleagues. Mr. Butler informed Atty. Hadge that he has lived in that particular neighborhood for many years and the residents have been patient. The condition of Mr. Gobbi's property has left much to be desired for many years. He stated that he is faced with a dilemma because on the one hand, they are a Board that wants to support businesses and development. The Board wants projects like his to thrive in the Town and, yet, it has sat idle, property not maintained and is an eye sore. Mr. Butler commented that in any given year, there is a variety of construction equipment sitting on the property, rusting, weeds growing. Mr. Butler was not sure whether the property owner is serious about building a constructive relationship with the neighborhood and with the Town of Dedham as a whole. Mr. Butler did not see the

outreach and willingness. Atty. Hadge replied that he has worked with Mr. Gobbi for a number of years, and with his Dad prior. Atty. Hadge commented that Mr. Gobbi, Sr., had a different way of doing things, as we all know. Atty. Hadge believed that this particular request would actually serve to accomplish the beautification and the beginning of the sub-division. Atty. Hadge felt that it would be clear that it will take more work and time to get the upgraded line in Kennedy Drive as it will to do what they are presently requesting relative to the easement. Additionally, by approving the easement, they will be able to build and improve the first two lots, which will be the entry way into the sub-division and remove the eye sore. Atty. Hadge informed the Board that this proposal would be an immediate thing—Mr. Gobbi can work on the two lots and the storage can be removed. Mr. Butler asked Atty. Hadge if he was given the authority, by Mr. Gobbi, to make a commitment that upon installation/award of this easement, then he would clean up the two lots affected. Atty. Hadge stated that he felt comfortable stating that this was Mr. Gobbi's goal. Atty. Hadge informed the Board that this would be the first step and he is working towards establishing some covenants for the whole sub-division. He has an active working relationship going on with this particular site. Mr. Butler stated that he did believe that this was Mr. Gobbi's goal; however, he was looking for a commitment. Atty. Hadge stated that he did not come here tonight to actually state when Mr. Gobbi will start to dig a foundation or build a model house. He could not comment on this question; however, he did believe that this was Mr. Gobbi's sense. Atty. Hadge stated that starting building on these two homes without the need to address all the other on-going issues in the sub-division is a positive step. He thought there was enough time to do the work before the inclement weather sets in. Relative to the tie in, he has the original deed of Sewer Easement to sign tonight. Atty. Hadge commented that Town Counsel's position is that his client does not have the right to apply, until the Board signs the easement and it is recorded. Therefore, if the Board does not sign the easement, they will knock his client out of the box. His client will not have a chance to timely seek the permits at this point. Atty. Hadge stated that he brought the original with the intent to leave with the expectation that the Board would sign. He would pick up the signed document and bring it to the Registry of Deeds and give proof of recording to Town Counsel. At that point, Mr. Gobbi could apply for his permits. He thought this would take several days, depending on the time the Board signs the document.

Mr. DelloIacono asked Mrs. Baker the time line on the final draft on the easement. Mrs. Baker responded that the final draft of the easement is the same document that Atty. Hadge has brought this evening for the Board's signatures. Town Counsel has approved the document to go forward. If the Board is so inclined to approve the easement, this evening, Town Counsel recommends that the Board execute it, and, therefore, this would give Atty. Hadge the document he needs to proceed with the filing. Once Atty. Hadge provides proof, through Mrs. Baker to Town Counsel that it has been done, Mr. Gobbi is in a position to make his necessary applications with Engineering for the permitting of a drainlayer and Sewer Opening Permit to do the work that needs to be done within the timeframe Mr. Field has given both Mr. Gobbi and Norwood Engineering.

Mr. MacDonald informed all that a copy of an E-Mail given to them from Kopelman and Paige indicated a deadline of September 7, 2007, to have the material requested. This is September 13, 2007. Mrs. Baker informed Mr. MacDonald that there was a follow up E-Mail that was provided to the Board. If it was not sent, it is her error. Town Counsel extended Atty. Hadge until Monday and she sent a package to the Board on Tuesday night with the information. Mr. MacDonald responded, O.K. Looking at the plans, Mr. MacDonald appreciated Atty. Hadge's position; however, he thought that cooperation was a two-way street and all he is seeing is one way, i.e., the Town of Dedham. He

understood Mr. Gobbi's intent and he realizes that the original plan was drawn up many years ago. Mr. MacDonald commented that he respects Mr. Field's position and the Town's position. He did not feel he was ready, now, to vote on this matter tonight. Additionally, he heard comments from Mr. Field this evening that he did not take into consideration. He thought that there were a lot of 'ifs'. His main concern was if the Board votes the easement and nothing happens, the Town will lay out East Street and two years later if his client wishes to do the work, the Town will then be taken to Court and challenged because the Selectmen granted the easement to him and it is now their right to go on to the property. Mr. MacDonald felt that if the easement were granted, the Town might not have a choice to uphold the five year restriction. Mr. MacDonald would like Town Counsel's opinion as to the options the Selectman might have in the future if the easement were granted. Mr. MacDonald commented that historically, plans have been made and not followed through and he has nothing to convince him that by going forward with this request, it will actually get done and two or three years down the road the Board will find themselves in a position where they are forced to dig up a street that the Town does not want to dig up, but will be forced to by the Court.

Atty. Hadge commented that, with all due respect, he was trying to understand. He did not understand the comment relative to the two-way. If it were relative to making things look better, he was in agreement with the concept and that spirit should be carried forward, absolutely. Atty. Hadge commented that he has practiced law in Dedham for many years and was aware of the situation with Mr. Gobbi, Sr. He assured the Board that the spirit now and attempt now is to go forward in a positive way and that to not grant the easement would almost seem to be a message to Mr. Gobbi—We got you this time for what you did to us last time. He stated that he would like to end this type of relationship and make it a more positive one with the Town. Atty. Hadge was convinced that this is Mr. Gobbi's intention. Atty. Hadge stated that he could not commit to a timeframe for cleaning up or know his immediate plans; however, he assured the Board that he will seriously speak with Mr. Gobbi about the Board's concern. He did not think the issuing of the permit would prejudice the Town. At the very least, it would give Mr. Gobbi an opportunity to show the Board he means business by getting it hooked up on time and working on the land. This is a step in the right direction. Atty. Hadge asked the Board to give Mr. Gobbi a chance. If the Board does not vote tonight, his client will not have enough time to do the work. Mr. MacDonald responded that he was not suggesting that the Board would vote no out of spite. He just did not have enough information from the Director of Infrastructure and Town Counsel. Atty. Hadge responded that by right, his client can do it, but certainly the Board is not obligated to grant an easement. He apologized for the late request. His client thought it would be the right time to take this action before the street is paved.

Mr. Teehan asked if the easement is not granted, will the land be developed. Atty. Hadge responded, no. Atty. Hadge stated that it would take longer because he believed that in order for Mr. Gobbi to access the Kennedy Drive Lot, it would take a while to upgrade the line. Therefore, those two lots cannot be developed until he can get access because you cannot sell a house without a sewer. He thought the development of the lots would be delayed if Mr. Gobbi had to wait. If he is allowed to hook up East Street now, it would allow, notwithstanding what is going on with the Sewer Line on Kennedy, these two lots to be developed faster. Mr. Teehan commented that everyone would like to see this land developed. It has been an eye sore for many years. Mr. Teehan stated that it was too bad the Board did not have assurance in the form of a letter from Mr. Gobbi that he is finally moving forward with this land. Atty. Hadge commented that it is his understanding that there are some plans to renovate his father's home and keep it there.

Mr. Teehan stated that if the letter were here this evening, the Board could vote right now—there would be no problem. He informed Atty. Hadge that the Board just wanted some assurance that if they held up their end and cooperated, Mr. Gobbi would follow through, develop and improve the land. He commented that the Board really does not have that assurance at this point.

Mrs. Kehoe stated that she does not like to speak about history; however, she wished the Board had cooperation 30/35 years ago. Mrs. Kehoe thought the Planning Board, probably within the last 4/5 years, endorsed a Revised Sub-Division Plan and nothing has happened. Mrs. Kehoe commented that the opportunity to put the Sewer Line in and to come to the Town for an easement should have happened immediately after the Revised Sub-Division Plans were endorsed. Following along with Mr. Butler's comments, she hoped that Mr. Gobbi would put a commitment into a written communication to inform the Board when he would begin construction on both of the lots. Mrs. Kehoe's fear was that if the Board were to grant the easement, which she wanted to do but will not unless the Board has a commitment, that the easement will stand there indefinitely—that was bothersome to her. Mrs. Kehoe thought that 35 years of aggravation and distress to the neighborhood was more than enough. She did not think anyone would want to live next door or across the street from that property. Most respectfully, Mrs. Kehoe requested some sort of commitment, clearly defining the time line for the development, not just site preparation but complete development of the two properties.

Mr. Keegan informed the Board that the Town still maintains some control over this process and if, in fact, the Board voted favorably on the easement execution, our Engineering Department still has to issue a permit for entrance on to the property. As such, if the Board has conditions that they want to place on this easement signing, they can hold those conditions on the permit in abeyance until those conditions were met. Mr. Field responded that yes, the Engineering Department has to issue a permit if a person meets the requirements. At this point, he believed that the Board has discretion with this action because there is the ability to sewer the property through Kennedy Drive. There is another option and the Town is not denying access. Mr. Field did not know if he would be comfortable not granting a permit if there was an easement because it is laid out on the regulations that it is by right; however, if there were no easement, it would be a non-issue.

Mr. MacDonald stated that the Board has made it clear relative to the commitment by Mr. Gobbi to do something. He did understand that Atty. Hadge was not in a position to make a commitment to the Board on behalf of his client because that is not the reason he came before the Board this evening.

Mr. MacDonald made a motion to take this matter under advisement until the Board of Selectmen's Meeting on October 4, 2007, in order to give Mr. Gobbi an opportunity to answer the Board's questions; seconded by Mrs. Kehoe for discussion.

Mr. Butler stated that there is a desire to give the owner of the property every reason to go ahead, clean and develop it—that is for sure. He commented that the Board would like to see this accomplished sooner rather than later. On the other hand, it is obvious that the developer is not present tonight to speak on behalf of his own interest, which is disappointing. Mr. Butler asked Mr. Field if the easement were not granted until October 4, 2007, will that sewer connection get made before the construction on East Street happens. Mr. Field responded that he does not have a firm schedule on the paving of that area; however, he did state that there is some work to complete, i.e., curbing and

sidewalks before the paving. Mr. Field did not want to commit that there would be asphalt down but likely there is an opportunity for it to happen. Mr. Field informed the Board that presently, the developer is talking about using a certain contractor. They are not licensed in the Town of Dedham and they would have to come back to the Board of Selectmen to be licensed. Mr. Field commented that the next meeting is October 4, 2007, and the Board could simultaneously address these actions. Mr. Butler commented—so it is possible? Mr. Field stated, it is possible. Mr. Butler commented that Mr. MacDonald made reference to the fact that all the information was not available to the Board until this evening, which is a concern. The Board does not like to make decisions based on information brought to the Board the night of the matter at hand. Mr. Butler informed Atty. Hadge that the drawing he gave the Board is out of date in the sense that it does not reflect the current location and design of East Street. When he looks at the drawing he cannot see where the sidewalks are for East Street under its new design. Mr. Field responded that Mr. Gobbi has a Sewer Construction Drawing which shows more detail. Mr. Butler asked that the Board receive a copy of Mr. Gobbi's present Sewer Construction Drawing.

Mr. Butler informed Atty. Hadge that the Board is eager to build a relationship with Mr. Gobbi. He does understand the new found interest on his client's behalf to improve the relationship. Mr. Butler asked Atty. Hadge to work on this relationship with his client and get the commitment—something in writing. Mr. Butler felt a little different than Mrs. Kehoe's position. Mr. Butler was not necessarily looking for a commitment to develop. He thought that might be a very large financial commitment to make; however, he would like a commitment from Mr. Gobbi to clean up the property, i.e., move equipment, cut grass, clean out debris. This situation is in the neighbors face each day. Given the late nature of the request and the incomplete information given to the Board this evening, it puts them in an untenable position.

On the Vote: Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Mr. MacDonald suggested that the Board's concerns be given to Mrs. Baker. Mrs. Baker will relay these concerns to Atty. Hadge so he will have ample opportunity to understand. Atty. Hadge asked if his client would be placed on the agenda for October 4, 2007. Mr. DelloIacono asked Atty. Hadge to call Mrs. Baker tomorrow and both he and Mrs. Baker will discuss the agenda and what needs to transpire between now and next week.

****The meeting schedule was behind, holding up the Bussey Street Market's Public Hearing.** Mr. DelloIacono asked the applicant's attorney, Ned Richardson, if the Board could continue on with their schedule and take the next item on the agenda. Atty. Richardson replied, yes. Mr. DelloIacono thanked Atty. Richardson.

DISCUSSION WITH ATTORNEY PETER ZAHKA RE: GRANT OF A LICENSE FOR NEEDHAM BANK, 402 WASHINGTON STREET

Representing Needham Bank were: Atty. Peter Zahka and Mark Whalen, Sr. Vice-President, Needham Bank. Needham Bank was formally known as Dedham Cooperative Bank and is located at 402 Washington Street in Dedham Square.

Atty. Zahka came before the Board to ask their assistance in making the Washington Street Branch handicap accessible. Presently the bank is undergoing some renovations, i.e., new front and would also like to put a ramp system to make the building fully

accessible. Atty. Zahka informed the Board that when the bank did their latest survey, a discovery was made that, in fact, the bank building is physically located closer to the street lay out line than anticipated. Atty. Zahka stated that they are before the Board to request a license to allow the bank to put a corner of the ramp on Town property. Atty. Zahka went over the design plans with the Board. Atty. Zahka commented that he physically measured the conditions relative to the ramp. This condition existed since at least the 1980's when a second floor addition was put on the bank. Additionally, he believed that this condition probably existed since the bank was built in the 1940's. Currently, from the building to the edge of the sidewalk, there is approximately an area 8 or 9 feet that for decades has been a landscape area in front of the bank. Atty. Zahka informed the Board that from the landscaped area to the end of the street is a sidewalk area, which is approximately 8 or 9 feet. The ramping proposed by the bank is approximately 4 feet away from the existing sidewalk. Atty. Zahka informed the Board that according to the Building Inspector, because of the ramp's slope from 1-20, the Building Code considers this area a walkway or a sidewalk itself. It is not considered a structure. Secondly, the Building Commissioner happens to be on the Commission for Disability and told him that he could represent that at least he, as individual member, was in support of this request. Atty. Zahka stated that none of the new front of the building, or anything considered a structure or building, is going anywhere on Town property, just the one corner of the ramp. Atty. Zahka informed the Board that with the license, they will be able to put the ramping in. They fully understand that a license is revocable at will and that the Town, at any time, could ask that it be removed.

Mr. DelloIacono asked Atty. Zahka if the bank, at any time, will come forward to acquire the land from the Town. Atty. Zahka commented that their original thought was to find the best way to go forward. He found that since the request does not involve a building or structure, and the fact that it has existed for many decades as well as the distance from the sidewalk, they were comfortable with license. Mr. DelloIacono stated that he spoke with Town Counsel today and the difference is that prior it was just a bush and shrubs. Now, it is actually 2 ½ to 3 feet of accessible by wheelchair liability. Atty. Zahka replied, correct. Mr. DelloIacono asked Atty. Zahka if at some point his client will try to acquire the land from the Town. Mr. DelloIacono was concerned with the liability to the Town and reminded the Board of a past incident on Maverick Street. Mr. DelloIacono commented that the way it was explained to him today was that the protection plan for the Town was not bullet proof. Atty. Zahka stated that if the Town expresses an interest that the bank going forward to actual acquisition of the property, he thought that it would be something the bank will seriously consider. Atty. Zahka thought that the Town would prefer this plan due to the fact that one never knows what the future will hold and the Town might need the 20 square feet for some reason.

William Keegan, Town Administrator, informed Mr. DelloIacono that the purpose of the License Agreement that was drafted by Town Counsel is standard and used in many other communities across the Commonwealth. The specific provision put in is that the bank would indemnify the Town for liability purposes. Mr. Keegan informed all that the reason why this is more favorable to the Town, in the particular instance, is the fact that if the property is needed, for whatever reason, the Town will still have the ability to utilize it for Town purpose. He went on to say that if the Town granted an easement, it would be a more permanent solution and the Town would relinquish its' rights to that property to the bank. Mr. Keegan informed the Board that by issuing a license, the Town would maintain the rights to the property. The main difference between the previous situation was that the stairway was in the middle of the sidewalk and this created a serious issue, whereas, this ramp is not in the sidewalk, but outside the sidewalk. Mr. DelloIacono

commented that he understood; however, he still had concerns with the liability and when he discussed his concerns with Town Counsel, he believed that the ideal situation would be if the bank actually owned the land, i.e., 20 square feet of land. Mr. DelloIacono was more comfortable knowing the Town would not be liable for anything in the future. Atty. Zahka informed the Board that there is a provision in the license where the bank has agreed to indemnify the Town from any and all liability whatsoever, including something that has been dug up on the Town property. Additionally, in terms of personal injury or property damage, the bank is required to name the Town of Dedham as an additional insured under a liability policy with a minimum limit of \$1,000,000.00. Atty. Zahka stated that the Town would be provided with a certificate and would then receive notification if the policy were cancelled for any reason. Cancellation of the policy would be grounds to revoke the License Agreement. Atty. Zahka believed that this would add another layer of protection to satisfy the Board's concerns. That being said, the bank would like to accept the license now so that they could proceed forward with their project. Atty. Zahka would immediately begin to take steps to see what is needed to go even further if the Town so desired.

Mr. Teehan commented that given the comments by Mr. Keegan on indemnification, he was comfortable. Mr. Teehan stated that any efforts to improve accessibility for disabled individuals should be encouraged. He fully supported the request by the bank and was prepared to vote favorably on this matter.

Mr. MacDonald, Mrs. Kehoe and Mrs. Butler did not have any questions.

Mr. Teehan made a motion to support the proposal before the Board of Selectmen on behalf of the Needham Bank; seconded by Mrs. Kehoe. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Mr. Zahka thanked the Board and also thanked all for taking his agenda item before the scheduled Public Hearing.

KNIGHTS OF COLUMBUS DEDHAM COUNCIL #234 PROCLAMATION – TOOTSIE ROLL DRIVE OCTOBER 5, 6, 7, 2007

Representative the Dedham Knights of Columbus was: Brian Keaney, KOC Dedham Council 234.

On behalf of the Dedham Board of Selectmen, Mr. DelloIacono, Chairman, proclaimed October 5, 6, 7, 2007, Dedham Council #234 Annual Knights of Columbus Weekend Charity Fund Drive for Exceptional Children in the Town of Dedham and urged all citizens of Dedham to take cognizance and participate fittingly with respect to this special occasion.

Mr. Keaney thanked the Board. He commented that there were other members of the Dedham Knights of Columbus that wanted to be with him tonight; however, due to the late hour, they had to leave. Mr. Keaney had Tootsie Rolls for everyone and gladly accepted donations to this worthy cause.

PUBLIC HEARING – REQUEST FOR WINE AND MALT PACKAGE STORE LICENSE AND COMMON VICTUALLER'S LICENSE FROM NICHOLAS F. CANNELL, d/b/a BUSSEY STREET MARKET, 99 BUSSEY STREET DEDHAM, AND APPROVAL OF NICHOLAS F. CANNELL AS MANAGER

Before Mr. DelloIacono began the Public Hearing, he informed all that the Board had two Public Hearings before them tonight. He stated that it will be the only time during the night that the public will be able to ask questions to the Board of Selectmen. He proceeded with the order of the meeting. He commented that the applicant will identify himself and who they have with them and what they desire from the Board. Next, the Board will ask questions, followed by a vote to close the public hearing.

Atty. Edward J. Richardson, 51 Columbian Street, South Weymouth, MA, introduced himself to the Board. He stated that before he commences with his presentation on this application, he would like to turn in the Return of Service Receipts, based on the Abutters' List, to the Administrator's Office.

Atty. Richardson informed the Board that Nicholas Cannell, 48 Summer Street, Medway, MA, is the applicant. Mr. Cannell is the sole owner and proprietor of Bussey Street Market. Bussey Street Market is doing business under that name and there is a Business Certificate filed with the Dedham Town Clerk. Atty. Richardson informed the Board that Mr. Cannell's work history is as follows: He was a self-employed Painting Contractor for many years and has now taken over the Bussey Street business. Mr. Cannell is a tenant of the property from the operator of the business who owned the building. Unfortunately, the operator of business who owned the building is in default on his mortgage and Mr. Cannell is paying his rent payments to the mortgagee bank since the mortgagee has made an entrée on the property. Atty. Richardson stated that the bank is perfectly happy with Mr. Cannell as a tenant.

Atty. Richardson stated that his client has done quite a bit to clean up the establishment and it looks a lot better now than it did prior, certainly when the last owner was opening the establishment rather intermittently. Atty. Richardson commented that the Beer and Wine License requested by Mr. Cannell is sought for economic reasons. Additionally, the business is not going to be that viable without the Package Goods License and, perhaps some other things, i.e., the Lottery, which a prior owner managed to put into arrears. Atty. Richardson informed the Board that Mr. Cannell is presently working with the Lottery to see what can be done to get it back on line.

Atty. Richardson commented that there are a few things to consider when reviewing an application for any kind of Liquor License, even a Wine and Malt Beverages Package Goods License, which is probably the least intensive of them all. He believed that the two things that should be considered are the location and the character of the proposed licensee. Atty. Richardson commented that by way of location, there is no vested right to any particular geographical location to have a license awarded, even though this establishment was previously licensed for over forty years in the same location. Atty. Richardson informed the Board that the previous license was not revoked, but, in fact, lapsed because a prior owner did not renew it on time. Atty. Richardson commented that there is now a situation where the new owner is turning the business around and reviving the Bussey Street Market. It is now a clean place offering sandwiches, pizza, etc. and some limited groceries in the store. Atty. Richardson stated that a Beer and Wine License would be an economic benefit and add to the economic viability of the site. He thought this establishment would be a convenient place for the residents of the neighborhood. Atty. Richardson had a letter sent to the Board from an abutter, Jean Marie McKee, 3 Belnap Street, stating that having the Bussey Street Market so close would be a convenience to her. Atty. Richardson stated that there were other people who came to speak in favor of Mr. Cannell and the public convenience of this license;

unfortunately, Mr. & Mrs. Berube, who are direct abutters had to leave due to the late hour. Atty. Richardson commented that one other neighbor was present and had to leave as well.

Atty. Richardson stated that Mr. Cannell is a responsible person and has no Liquor Violations under the Liquor Licensing Statutes at all. Atty. Richardson asked Nancy Baker, Assistant Town Administrator, the status of Mr. Cannell's CORI check. Mrs. Baker stated that, unfortunately, there was a hold up with the new CORI process and the results were delayed. She informed all that if there was an approval by the Board of Selectmen this evening, Mr. Cannell's appointment as manager would be subject to a negative CORI check. Atty. Richardson replied, O.K. Additionally, he believed that there would be a negative CORI check. The only disqualifying matter would be a felony, disclosed on the License Application, which happened approximately twenty years ago. As a result, Mr. Cannell had the necessity of attending an Alcohol Education Class for a youthful operating under charge. Atty. Richardson did not think the CORI check would turn up anything outside of that one charge, which happened over twenty years ago.

Atty. Richardson commented that the location of the establishment is important. He informed that the Board that this particular site had a Beer and Wine Package Goods License on this site for many years. It was a convenient place in the neighborhood and for the neighbors. Atty. Richardson, once again, commented that the license is really an economic necessity to keep the business going. Additionally, Mr. Cannell has been reviving a business, which through a few unfortunate absentee owners, was in bad shape. Atty. Richardson stated that he believes the applicant meets the statutory criteria for the issuance of the license. The establishment is an appropriate place and Mr. Cannell is an appropriate person, etc.

Mr. MacDonald commented relative to the previous licensed establishments at that location. He asked Atty. Richardson when the Beer and Wine Package Store License lapsed at that location. Atty. Richardson responded, December 31, 2005. Atty. Richardson stated that the previous owner failed to file a renewal application on time. He believed that the previous owner filed their renewal literally on December 30, 2005. Mr. McDonald commented that for approximately 20 months, there have been no sales. Mr. Cannell responded that the store has not even been open. Mr. MacDonald asked Mr. Cannell when he opened the store. Mr. Cannell responded, for three months. Mr. MacDonald stated that part of the other criteria for issuing a license is not just a public convenience, but the public need. Mr. MacDonald commented that 20 months lapsed to him is a substantial amount of time. He was not sure whether the public need has been met by some place else within the close proximity of the Bussey Street Market location.

Mr. MacDonald asked Mr. Cannell's experience dealing with the sale of beer and wine. Mr. Cannell responded that he has not had any experience as yet. Mr. Cannell informed him that he plans to attend a Serve-Safe Class on the outcome of this meeting this evening. Mr. Cannell informed the Board that a few of his employees will also be attending the Serve-Safe Class. Atty. Richardson informed the Board that Mr. Cannell has the certificate relative to the sale of food from Serve-Safe. Atty. Richardson pointed out to Mr. MacDonald, that the same could be said for any license. Atty. Richardson reminded him that this is not a renewal, but, in fact, a new license. Mr. MacDonald replied that he is referring to the issue that is currently in front of him and the Board is discussing now.

Mr. MacDonald asked Mr. Cannell if he knew the purchase of the business was without a Beer and Wine License. Mr. Cannell informed Mr. MacDonald that he was told by the former owner that there was a Beer and Wine License and a Lottery License, which there was not. Mr. MacDonald responded, so the former owner lied twice. Mr. Cannell responded, he lied twice on both items. Mr. Cannell informed the Board that for the store to make it, he needs both licenses-liquor/lottery. If not, he will have to close the store down. Mr. MacDonald asked Mr. Cannell how the business has been doing over the past three months without liquor. Mr. Cannell stated that it has been fair-just making it.

Mrs. Kehoe commented that, upon looking over the application, she was concerned with the fact that Mr. Cannell had no liquor experience. Mr. Cannell responded, right. Mrs. Kehoe appreciated his candor. Mrs. Kehoe stated she felt very badly that Mr. Cannell was deceived and was sorry. She asked him if there would be recourse back to the original owner if the license were not granted. Mr. Cannell responded, no. Atty. Richardson commented that the original owner of the property has actually been entered into by the bank; and presently, the property is not in foreclosure. Atty. Richardson informed the Board that the rents are being paid towards the mortgage, not being paid to the owner. Mr. Cannell commented that the owner of the building owns the building, he cannot put the money into savings--it goes right into foreclosure. Atty. Richardson pointed out that there is no pledge to this license, no financing, no pledge to the owner or bank. Additionally, there is no intent to pledge the license. Mr. Cannell is a tenant and operates the business as a tenant. Atty. Richardson informed Mrs. Kehoe that there was no money changing hands for the purchase of the former license. For the Boards information, Atty. Richardson informed all that Mr. Cannell's brother-in-law will be working at the store and he has experience selling in Liquor Stores. However, Mr. Cannell will be the manager and primary person on the scene.

Mr. Cannell has a security system already paid for and set up at the store; and if he does go home, he could literally watch the store from home on line. Atty. Richardson stated that there will always be someone over twenty-one, with a Serve-Safe Certificate, at the store. Mr. Teehan asked Mr. Cannell if he could stay in business if the license is not granted. Mr. Cannell responded, absolutely not. Mr. Teehan asked Mr. Cannell if he was just a tenant at the location. Mr. Cannell responded, just a tenant; however, he has invested his life savings into the store. Mr. Teehan reserved any further questions until he heard from the neighbors.

Mr. Butler asked Mr. Cannell what he currently sells at the store. Mr. Cannell responded that it is a Sub Shop and Convenience Store/Cigarettes. Mr. Butler asked the hours of operation at the store. Mr. Cannell responded, 8:00 a.m. to 10:00 p.m. Monday-Saturday and 8:00 a.m. to 9:00 p.m. on Sunday. Mr. Butler asked Mr. Cannell if the nature of the business would change if the license were granted. Mr. Cannell responded, yes. The patrons coming in look for beer and wine, and he feels these sales would help the store out a lot. Mr. Butler commented that another item the Board of Selectmen look at, and previously mentioned, is the public need. Mr. Butler commented that there are a few stores in East Dedham Square that already sell wine and beer. Additionally, there is a store on Washington Street/Grove Street in West Roxbury that sells liquor. Mr. Butler's view was that the level of convenience already exists for the public.

Mr. DelloIacono asked Mr. Cannell how long his store has been open. Mr. Cannell responded 2 ½-3 months. Mr. DelloIacono commented that he has been watching the store and it has been cleaned up as stated. Mr. DelloIacono asked Mr. Cannell if he was convinced that after 2 ½ months time a liquor license is the only thing to keep him going.

Mr. Cannell stated liquor and lottery, not just the liquor alone. Mr. DelloIacono commented that the Board is only concerned relative to the liquor. He asked Mr. Cannell, once again, if he was convinced his establishment would be out of business without a Liquor License. Mr. Cannell responded, absolutely. Mr. DelloIacono reminded all that not too long ago, in another section of Town, an establishment came before the Board requesting a Liquor License stating the same things. Mr. DelloIacono commended Mr. Cannell for the work he has put into the building and commented that it really has improved the neighborhood. Mr. DelloIacono asked Mr. Cannell how many hours he puts in at the store. Mr. Cannell responded, sixty plus hours.

Mr. DelloIacono asked for questions from citizens who are in favor of a Liquor License at Bussey Street Market. Joe Sullivan, 290 Needham Street, Dedham, was in support of Nick Cannell. He stated that he has known Mr. Cannell all of his life and felt that he is a great asset to the community. Bill Stanley, a person who has been helping Mr. Cannell, was supportive; however, He was no longer a Dedham resident. Arlene Tullos, 110 Bussey Street, stated that she has gotten to know the owners of Bussey Street Market since they have opened for business. She commented that the owners appear to be very respectable. Ms. Tullos owns a two-family house directly across the street from Bussey Street Market. Additionally, she has an elderly father who lives downstairs. She stated that her father cannot make it to the stores mentioned by the Board which are located in West Roxbury and by the CVS in East Dedham Square. Bussey Street Market would be a convenience for her father because he cannot get to a store without her assistance. Ms. Tullos commented that the new owners have improved the look of the store from that of the previous owner and there are no children hanging out in this area. Mr. Tullos was also supportive of the Liquor License and agreed with his wife's comments.

Mr. DelloIacono asked if there were any other public comments. Robert Fish, 29 Belnap Street, Precinct 6 Chairman. Mr. Fish commented that if Mr. Cannell receives the license or not, he hopes that he has some recourse against the previous owner. With that being said, Mr. Fish believed that the need of the neighborhood is being met. The two locations in the area that sell beer and wine are within two tenths of a mile, plus there is a pub in East Dedham Square. Relative to economic reasons, Mr. Fish commented that there are other Convenience Stores in the neighborhood that are making it without beer and wine, i.e., Lyn & Vikki's, Pams Market, Tedesch's. Mr. Fish brought up questions relative to policing matters. Mr. Fish stated that the neighborhood has a lot of two and three family homes and people are rotating in and out. It is not like a neighbor who has lived across the street for thirty years; people move in, and they really do not care. Mr. Fish commented that he has put a barrel in front of his home for trash when the previous owner operated the establishment. Even with the barrel, there is still broken glass and beer cans. He went on to say that trash in the area is also an issue. Mr. Fish believed that the police assigned in East Dedham Square can keep a good eye on things; however, it will be tough to manage/monitor an establishment away from the proximity of East Dedham Square. Mr. Fish echoed Mr. MacDonald's comments relative to the 20 months without the Liquor License. He stated that he has heard no outcry from the residents for liquor at this establishment. Once again, he stated that he believes that the need of the neighborhood has been met and that there are numerous other places to serve the community.

For the Board's information, Atty. Richardson cited a case from the Supreme Judicial Court and commented that the Board of Selectmen has a tremendous amount of discretion relative to Liquor Licenses. Atty. Richardson cited, Old Atlanta Pacific Tea Company v. License Commission of Springfield in 1982. Most of the opposition in this case was that there were enough Beer and Wine Stores in the area relative to the size of

the neighborhood, and that other licensees in the area would be damaged by the competition which would result from the transfer. The recommendation of the ABBC was that the license be granted was read at the second hearing. Relative to this case, Atty. Richardson pointed out the statutory standards. He read the statutory standards governing action by Local Licensing Boards found in M.G.L., Chapter 138, Section 23, Paragraph 1, "This standard affords no protection for licensees against competition but provides only for the service of the public and the way to protect the common good by making provisions for an adequate number of places where members of the public may obtain, if desired, beverages." Atty. Richardson commented that one can see the tension there. He went on to say, how much is too much; and on the other hand, are we just being protective of someone else.

Atty. Richardson stated that he believes that this location is an appropriate place for a license and the applicant is an appropriate person to hold such a license. He added that by everyone's testimony tonight, the property has come up, and it is in the interest of the common good to keep that property coming up to provide a convenient place for patrons. Atty. Richardson thanked the Board of Selectmen.

Lisa Moran, 78 Lower East Street, stated that she does not live in the neighborhood; however, she is a Town Meeting Member. She has a lot of friends that live right in that general area. Ms. Moran stated that there are a lot of kids in the area. Ms. Moran commented that if she went into the store, she would order a sub sandwich or something convenient. Additionally, she commented that we all would like something convenient to our homes; however, that is not realistic and there is no need why someone has to have beer and wine across the street from their house ~~no~~ need. Ms. Moran asked the Board to really think ~~this~~ is going to be a third, fourth liquor establishment in East Dedham.

Mr. Fish made one last comment. He informed the Board that there is no other part of town that has a cluster of as many Liquor Licenses within two tenths of a mile.

Pam Wong, Maverick Street, commented that what she found funny is that everyone fails to remember that for the past twenty-four years give or take, Bussey Street Market, regardless of its ownership, has had a Beer and Wine Package Store License. She did not ever remember reading in the paper, Police Report or through the Grape Vine hearing of any problems with that particular institution selling liquor at any time. Ms. Wong understood the complaints mentioned. Relative to the establishment being in the neighborhood, Ms. Wong asked, "Is not East Dedham Liquors also in the neighborhood across from the Housing Project?" "Is not Anthony's Beer and Wine back to back with the Housing Project?" Ms. Wong understood the neighborhood complaint; however, she did not understand the concern.

Mr. Butler asked a procedural question. He asked Mr. DelloIacono if the Board could ask additional questions after the Public Hearing was closed. Mr. DelloIacono responded, yes.

Mr. Teehan made a motion to close the Public Hearing; seconded by Mr. MacDonald.
On the Vote: Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Mr. DelloIacono asked if there was any further discussion. Mr. Butler responded to Atty. Richardson's comment so that it was clear that his comments were not misunderstood. Mr. Butler stated that he did not mean to imply, if he did, and it was not his intention at

all, that during consideration of this application he was considering damage to the competition. Mr. Butler stated that the impact on other businesses in the area is not being taken into consideration whatsoever. Furthermore, Mr. Butler did not believe, according to case law, that the Board is obliged to consider impact on the applicant's business itself. Mr. Butler wanted to make these two comments perfectly clear to all. Mr. Butler went on to say that the Board does have wide discretion in granting these types of licenses. This, in fact, is true. The process is not a cookie cutter; however, the Board does have discretion. It is a process with many legal rulings over the years. Mr. Butler stated that the process is not haphazard either. In addition to public need, Mr. Butler is taking into consideration comments protecting the common good. Mr. Butler stated that his belief is that a Liquor License in that location would not work in the best interest of that neighborhood.

Mr. MacDonald noted that prior to 2005 when the Ferzoco's sold the market, the transfer passed by a 3-2 vote by this Board because it was a continuation of a license—there was no break in service. Mr. MacDonald went on to say that the difference between then and now is the 20 month period where the previous owner let the license lapse and there has not been a continuance of business at the site. Mr. MacDonald stated that this is a different fact that is front of them now that was not there previously.

Mr. DelloIacono asked Atty. Richardson if he had anything further to offer. Atty. Richardson stated he had nothing more to offer. Mr. Richardson understood Mr. Butler's comments; however, he would state again, that if the Board listened to the people in the room this evening, the bulk of them did support the convenience of a Liquor License at this store and location. He went on to say that the store was there for twenty-four years and there were no problems. Atty. Richardson commented to the Board that he remembered the Ferzoco Transfer Hearing, and he believes that one of the reasons why it was a close vote on a license transfer was the quality of the person who the license was to be transferred to at that time. Mr. DelloIacono asked Mr. Cannell if he felt he had a fair hearing. Mr. Cannell responded, yes.

Mr. MacDonald made a motion to deny the Wine and Malt Package Store License, to Nicholas Cannell, d/b/a Bussey Street Market, 99 Bussey Street, Dedham, MA; seconded by Mr. Teehan for discussion.

Mr. Teehan stated that he needed to be consistent with his vote. He commented that the Board heard some of the same issues with the Tedeschi's Market request not too long ago in Oakdale Square and he voted against that license at that time. Additionally, he has a great deal of respect for the comments of Mr. Fish. He is District Chairman and knows his commitment to Town issues having seen him at Town Meeting and speaking to him relative to various issues in Town. Mr. Teehan commented that Mr. Fish's opinion, particularly his passion for the neighborhood, carries a lot of weight with him. For this reason, although it is unfortunate for the new owner and his present position, Mr. Teehan stated that he has to remain consistent.

On the Vote: Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Request for a Common Victualler's License, Bussey Street Market, 99 Bussey Street

Mr. MacDonald made a motion to approve a Common Victualler's License to Bussey Street Market; seconded by Mrs. Kehoe. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Atty. Richardson and Mr. Cannell thanked the Board of Selectmen.

PUBLIC HEARING – REQUEST FOR WINE AND MALT COMMON VICTUALLER'S LICENSE FROM CHIPOTLE MEXICAN GRILL OF COLORADO, LLC, d/b/a CHIPOTLE MEXICAN GRILL, 176 PROVIDENCE HIGHWAY, DEDHAM; AND APPROVAL OF ANDREW TRINCHITELLA AS MANAGER

Mr. DelloIacono reminded all that this is a Public Hearing and all questions go through the Chairman. There will be public comment, the Public Hearing will be closed and then the Board of Selectmen will take a vote.

Present were: Atty. Matthew Fogelman, Todd & Weld, Boston, represented Chipotle Mexican Grill, LLC, and Andrew Trinchitella, proposed manager. Atty. Fogelman informed the Board that Mr. Trinchitella has been a manager in one of the Colorado locations for four years. Brad Toothman, Real Estate Manager for Chipotle Mexican Grill in Massachusetts.

Atty. Fogelman informed the Board that there are fifteen Chipotle Mexican Grills underway in Massachusetts. Mr. DelloIacono asked if any of the restaurants were opened yet. Atty. Fogelman stated, one restaurant in Medford, and there is a Beer and Wine License in Medford.

Mr. DelloIacono asked Mr. Trinchitella how many hours a week he would be spending at the site. Mr. Trinchitella stated approximately 45-55 hours per week. Mr. DelloIacono asked if that would be managing. Mr. Trinchitella replied, yes. Mr. DelloIacono asked Mr. Trinchitella's current address. Mr. Trinchitella responded, 11 Vine Street, Medford, MA. Mr. Trinchitella informed the Board that he spent approximately five years out west. Mr. DelloIacono asked if he was being trained at the Medford store and if he now taking over the Dedham store. Mr. Trinchitella responded, yes.

Atty. Fogelman supplied the Board with the current Floor Plan. The plan is for 83 seats total, 71 inside and 12 on a patio. The patio will be seasonal. Mr. MacDonald asked Atty. Fogelman to explain the outdoor seating patio, screening, proximity to neighbors, pedestrians, etc. Atty. Fogelman commented that outside the front door off to one side there is a small patio, open air. There is a gate, which closes in from pedestrians. Mr. Toothman stated that there are two ways to get into the patio area. First, in the vestibule, there is a dedicated single side door from the patio area. There is also a gate at the exit. Mr. MacDonald asked how a patron would enter and exit the patio area. Mr. Toothman responded that there is a gate and there is only one-way out. The door is both ways. Mr. MacDonald asked how Chipotle would police someone walking away with a drink from the outside. Mr. Trinchitella stated that all managers are put in a position where they are out in the patio and are constantly out in Dining Room seeing what is going on and greeting customers and speaking with people. Mr. Trinchitella stated that they will be out there all the time at all hours. Mr. Trinchitella informed the Board that there are two managers on duty at all times--a Kitchen Manager taking care of the back of the house and Service Managers taking care of the front. They oversee the entire people.

Mr. MacDonald asked the hours of operation. Atty. Fogelman responded 8:00 a.m. until 10:00 p.m.—no later on the weekend. Mr. MacDonald asked the turn over time for a table. Mr. Trinchitella responded, usually fifteen minutes. It is a quick in/out lunch and diner.

Atty. Fogelman asked if he could give a brief background of Chipotle and a sense of what they are all about. Atty. Fogelman informed the Board that Chipotle started out in Colorado approximately fifteen years ago and there has been tremendous growth over the past fifteen years. There are approximately 650 locations nationwide—made a pouring into New York last year and this year and next year is a big pouring into Massachusetts. One store about to open in Massachusetts within the next few months and then about a dozen scheduled to open in 2008, i.e., Framingham, Peabody, Saugus and Woburn. Atty. Fogelman stated that the company is very dedicated to being in Massachusetts and particularly excited to come to Dedham. He commented that the area in which the restaurant is located is great—with the Stop & Shop and Dick's Sporting Goods and then the Mall nearby. Chipotle is excited to be here in Dedham and at that location. Atty. Fogelman stated that Chipotle is considered a fast casual restaurant. It is counter service—no waiters. Customers stand on a line and as they move down the line, staff prepare burrito, taco or salad fresh—all the ingredients are fresh and nothing is frozen. Atty. Fogelman informed the Board that Chipotle is a very high-level of fast food—very upscale. Atty. Fogelman stated that one of the components that Chipotle has nationwide is that they serve beer and margaritas. There is no other liquor served and no bar areas. One could not go up to a bar, sit down and order a drink—there are no bars in their restaurants. Atty. Fogelman stated that Chipotle is not interested in serving Margaritas in this location, only beer, not wine. He commented Chipotle solely serves beer and Margaritas. Therefore, for purposes of this license (Wine and Malt Common Victualler), it would just be bottled beer. Customers would order their food as they proceeded down the serving line; and when they reached the register to pay, they would have an opportunity to order a beer or soda. Mr. MacDonald asked Atty. Fogelman if Chipotle has wait service. Atty. Fogelman responded that there is no waitress service. Atty. Fogelman informed the Board that the alcohol sales are a component of Chipotle; however, it is a small component, approximately 4% of sales.

Mr. MacDonald asked Mr. Trinchitella if there would be waiter service. Mr. Trinchitella responded, no. Mr. MacDonald asked Mr. Trinchitella if he was Manager of Record at the Colorado Chipotles in 2003. Mr. Trinchitella responded, yes. Relative to a liquor violations question, Mr. Trinchitella responded that there are very few violations in their 650 locations nationwide.

Mrs. Kehoe asked questions relative to Mr. Trinchitella's prior liquor experience. Mr. Trinchitella informed her that from 2003 to present, he served beer and Margaritas at the Chipotles in Ford Collins, Colorado. Three weeks ago, he relocated to Boston. Additionally, from 1997 to 2003, he worked for a deli. Mrs. Kehoe asked if they served liquor at the establishment. Mr. Trinchitella responded, yes. The establishment had a Wine and Malt License. Mrs. Kehoe asked if there were any violations at this establishment. Mr. Trinchitella responded, no. Atty. Fogelman added that there were no liquor violations at the Colorado Chipotle when Mr. Trinchitella worked there. Mr. Trinchitella concurred.

Mr. Butler asked Mr. Toothman if there was a miscommunication on his part relative to the Liquor License. He reminded Mr. Toothman that when he recently applied and received the Chipotle Common Victualler's License, he stated that the Chipotle is not applying for a Liquor License; shortly thereafter, the Administrator's Office received an

application for a Wine and Malt License. Mr. Butler also mentioned that there was a discrepancy listed on the application relative to seating (71 inside/12 outside). Mr. Fogelman assured Mr. Butler that he would resolve this discrepancy tomorrow. Mr. Butler asked Mr. Trinchitella how food would be served. Mr. Trinchitella stated that food such as burritos, tacos and salads, will be served at the counter. There are no waitresses serving at tables. Mr. Butler asked the average price of a food item. Mr. Trinchitella commented that the most expensive item is \$6.50. Mr. Butler asked him what item is purchased most often. Mr. Trinchitella responded, the Chicken Buritto. Mr. Butler asked Mr. Trinchitella if he has read the Rules and Regulations for the Holders of Liquor Licenses in Dedham. Mr. Trinchitella stated that he has taken the Serve Safe Liquor Course; however, he has not read through the Rules and Regulations as yet.

Mr. DelloIacono questioned the 20 work hours listed on his application for manager. Mr. Trinchitella informed him that the hours listed was a mistake and he would be at the establishment longer. Mr. DelloIacono asked if Chipotle will consider purchasing an ID Scanning Machines. Attorney Fogelmann stated that this is a reasonable request, something to consider and he will ask his client. Mr. DelloIacono asked the opening date for the restaurant. Mr. Trinchitella stated that they would like to open in a few weeks. Mr. Toothman commented that the opening dated is scheduled for September 28, 2007.

Mr. DelloIacono asked Atty. Fogelman if he had anything to add and if he believed the Hearing was fair. Atty. Fogelman responded, yes.

Mr. Butler made a motion to close the Public Hearing; seconded by Mr. Butler. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Mr. Butler made a motion to approve a Wine and Malt Common Victuallers License for Chipotle Mexican Grill with the condition that no alcohol can be served without food; seconded by Mr. Teehan. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

Mr. Butler made a motion to approve Andrew Trinchitella as the Manager of Record for Chipotle, subject to a CORI check; seconded by Mrs. Kehoe. **On the Vote:** Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

DISCUSSION WITH LEGACY PLACE REPRESENTATIVE RE: PROPOSED ROAD IMPROVEMENTS

Mr. DelloIacono commented that there will be no public comment during this discussion. He introduced members of the Planning Board that were present, i.e., Michael Podolski, Chairman, Bob Aldous and Ralph Steeves. Mr. Teehan thanked the Planning Board members for attending tonight's meeting. He was impressed that there was a majority of the Board present and welcomed the opportunity for the Planning Board to make comments.

Mr. DelloIacono asked the Planning Board Members what would happen if the Board of Selectmen does not agree with the Planning Board's Traffic Plan decision, especially if any part of the Traffic Plan is denied or sidetracked. Mr. Podolski informed the Board that the applicant would have to come back to the Planning Board. Additionally, he stated that the Planning Board feels that the entire Traffic Plan must be approved for the Traffic Mitigation Package to work. Mr. Podolski also informed the Board that their

Traffic Expert could not attend this evening; however, he will attend the Selectmen's meeting on October 4, 2007.

Mr. DelloIacono introduced Atty. Peter Zahka, representing Legacy Place. Mr. Zahka stated that Legacy Place is joint venture of W/S Development and National Amusements, Inc. Mr. Zahka introduced other Legacy Place representatives with him this evening. They were: Bob Frazier, W/S Development, Mark Hebert, W/S Development, Bill Towey, National Amusements and Rod Emery, Legacy Place Traffic Engineer.

Atty. Zahka, Mr. Hebert and Mr. Emery presented the Traffic Presentation/Roadway Improvements under the Town's jurisdiction to the Board of Selectmen. Mr. Zahka stated that the Traffic Study was extremely extensive. Traffic Report items were based on what exists out there today. They spoke relative to the proposed site plan, Route 128 Off-Ramps & Bridge Existing Conditions, Providence Highway at Elm Street Existing Conditions, Providence Highway at Elm Street and Route 128 Ramps, Providence Highway at Enterprise Drive Existing Conditions, Proposed Phasing and interconnect Detail, Elma Street at Washington Street Existing Conditions, East Street at Eastern Avenue and Whiting Avenue, specifically Interim channel EB Right Turn, Interim Add 100' Left Turn Lane on Northbound Approach, Two-Phase Signal, East Street at Eastern Avenue and Whiting Avenue, East Street at Rustcraft Road Existing Conditions, East Street at Rustcraft Road Residential Signal Poles, specifically residential signal poles to be used in neighborhoods to minimize visual impact, Endicott Circle Existing Conditions, Cedar Street at Sprague Street, Level of Service Signalized Intersections, Level of Service Non-Signalized Intersections, LOS Summary (Providence Highway), LOS Summary (East Street), Central Avenue Alternatives, Robinwood Road 'Residents Only'.

Mr. Teehan asked that Planning Board Members have an opportunity to speak. Mr. Podolski appreciated the opportunity to attend this first meeting with the Board of Selectmen to discuss the Traffic Mitigation Package. Mr. Podolski stated that the Planning Board would like the Selectmen's support for the entire package. He commented that the package was given extensive scrutiny from the Planning Board/Developer and any deletion of the off-site mitigation might jeopardize the project. Mr. Podolski commented that he was, at first, very skeptical of the project; however, after listening to over 80/90 hours of testimony, he was turned around on the project. Mr. Podolski informed the Board that the Town Traffic Consultant stated that the traffic will improve with the project in place.

Mr. Aldous commented that the developer had approximately 80 meetings with the Planning Board as well as separate meetings with proponents. When the meetings concluded, the consensus was that all liked the Traffic Plans.

Mr. Teehan commented that he visited Derby Street when the Legacy Place took interest in having this type of development in Dedham. Mr. Teehan stated that he attended many Planning Board Meetings and is prepared to give the Planning Board his full confidence. Additionally, he commented that efforts made by the Planning Board were very transparent. He asked that all keep this in mind going forward. He supported the Planning Board.

Request for Underground Conduit Mr. Zahka requested an Underground Conduit to accommodate the proposed Traffic Lights at Rustcraft Road/East Street. Atty. Zahka made a request for the conduit and asked to speak to the DPW Engineer relative to this matter before the paving of East Street. Atty. Zahka asked that at the very least, the

conduit be put in. Atty. Zahka stated that the applicant will pay for the conduit. Additionally, Atty. Zahka acknowledged there is a risk; however, he still requested that the conduit be granted.

Mr. Teehan made a motion to grant permission to lay a conduit at Rustcraft Road/East Street, now, at the expense of the developer; seconded by Mr. Butler for discussion. The Selectmen asked the consultant to describe the Scope of Work at all four entry points of the cut. The consultant stated that there would be 3 entry point cuts at Rustcraft/Jefferson, curbing would not be removed; however, they would remove a segment of foundation.

Mrs. Kehoe wanted an absolute understanding that permission for the conduit would not signify commitment for Traffic Lights. Atty. Zahka and Mr. Hebert stated, on behalf of the company, that is the case. Mrs. Kehoe asked if the sidewalk would be put back in the same condition as it is now. The Traffic Consultant responded, yes.

Mr. MacDonald stated that he was not prepared to make a motion/vote this evening and he could not support this request without the guidance of the Town's Traffic Consultant. He commented that it will be a different situation at the October 4, 2007, Meeting when the Town's Consultant is present.

On the Vote: Mr. Butler, yes; Mr. Teehan, yes; Mr. DelloIacono, yes; Mrs. Kehoe, no; Mr. MacDonald, no.

VOTE TO SET DATE AND CLOSE WARRANT FOR SPECIAL TOWN MEETING

Mrs. Kehoe made a motion to set Tuesday, November 13, 2007, for the Special Town Meeting; seconded by Mr. MacDonald and voted unanimously.

Mrs. Kehoe made a motion to close the Warrant on September 18, 2007; seconded by Mr. MacDonald and voted unanimously.

TOWN ADMINISTRATOR'S REPORT

Mr. Keegan informed the Board that he attended a meeting with the West Suburban Health Group and discussed options with the Insurance Advisory Committee.

Mr. Keegan informed all that the Endicott Estate Foundation was having an Octoberfest Event on October 14, 2007, noon to 7:00 p.m., including traditional food and entertainment.

Mr. Keegan informed that the Bond Rating went out to market last Monday. He felt strong that the AA rating was stable.

Mr. Keegan informed the Board that there is an option for the Town to purchase its Street Lights. It would be a purchase option of the existing lights from NSTAR. Going forward, he will provide a report to the Board and arrange for a consultant to give a presentation at an upcoming meeting. Mr. Keegan felt that the Town could save in this area.

Mr. Keegan informed the Board that the final paving actions are moving along.

ACTION BY THE BOARD

Request for a Drainlayer's License – Davwill Excavation Corp., P. O. Box 2237, Plainville, MA

Mr. Butler made motion to approve a Drainlayer's License for Davwill Excavation Corp.; seconded by Mr. Teehan and voted unanimously.

Request for a (2) One-Day Liquor Licenses (November 2 and 3, 2007) for St. John of Damascus Church

Mr. MacDonald made a motion to approve (2) One-Day Liquor Licenses for St. John of Damascus Church—effective November 1-4, 2007, Service on November 2 and 3, 2007, expires November 4, 2007; seconded by Mrs. Kehoe and voted unanimously.

Request for a One-Day Liquor License for Friends of Dedham Recreation and Pool --Dedham Recreation Day (September 30, 2007)

Mr. MacDonald made a motion to approve a One-Day Liquor License for the Friends of Dedham Recreation & Pool—effective September 28-October 1, 2007, Service on September 30, 2007, expires October 1, 2007; seconded by Mrs. Kehoe and voted unanimously.

Request for a One-Day Common Victualler's License and a One-Day Transcient Vendor's License (October 7, 2007/Endicott Estate) from Mike & Pats Crafts

Before the vote, Nancy Baker, Asst. Town Administrator, informed the Board of Selectmen that there were no incidents at Mike & Pats Craft Show in the Spring.

Mr. MacDonald made a motion to approve a One-Day Common Victualler's License and a One-Day Transcient Vendor's License to Mike & Pats Crafts; seconded by Mrs. Kehoe and voted unanimously.

Request for a Block Party by Ruth Hamilton on behalf of the residents of Taylor Avenue (September 29, 2007)

Mrs. Kehoe made a motion to approve the Taylor Avenue Block Party; seconded by Mr. MacDonald and voted unanimously.

Request for a One-Day Liquor License from the Dedham Community House (October 13, 2007)

Mr. MacDonald made a motion to approve a One-Day Liquor License for the Dedham Community House—effective October 12, 2007, service on October 13, 2007, expires October 15, 2007; seconded by Mrs. Kehoe and voted unanimously.

Approval of Selectmen's Meeting Minutes

Mrs. Kehoe made a motion to approve the meeting minutes of August 21, 2007, as amended; seconded by Mr. MacDonald and voted unanimously.

OLD/NEW BUSINESS

Mr. MacDonald thanked Norfolk County Commissioner Francis O'Brien for his assistance in providing a work crew from the County to help out with a painting project at the Town Hall.

Mr. DelloIacono asked why Venison and RCN are not broadcasting the meeting this evening. Nancy Baker, Asst. Town Administrator, will follow up and get back to him with an answer.

Mr. DelloIacono asked that the Conservation attend an upcoming Selectmen's Meeting to discuss the Eastern Avenue Project delay.

Mr. MacDonald made a motion to enter into Executive Session pursuant to M.G.L. Chapter 39, Section 23B, relative to pending litigation and bargaining; seconded by Mr. Butler.

On the Vote: Mr. Butler, yes; Mr. Teehan, yes; Mrs. Kehoe, yes; Mr. MacDonald, yes; and Mr. DelloIacono, yes.

The Board did no reconvene in open session.

Meeting adjourned 10:30 p.m.

This is to certify that the above is a true and accurate record of the Minutes of the meeting of September 13, 2007, which Minutes were approved by the Board of Selectmen on January 24, 2008.

Carmen DelloIacono, Chairman